

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The specification has been amended at page 13 to capitalize trademarks noted by the Examiner and to introduce generic terminology, where appropriate. The specification has also been amended to include a sequence listing based on SEQ ID NO:1 of USP 6,350,615. The sequence listing is submitted herewith on separate sheets. The undersigned hereby states that the material being inserted (SEQ ID NO:1) is the material previously incorporated by reference and that the amendment includes no new matter. Entry of the Sequence Listing does not raise the issue of new matter as the sequence information contained therein is presented in the application as originally filed in view of the incorporation by reference of USP '615. The computer readable copy of the Sequence Listing submitted herewith is the same as the attached paper copy of that Listing.

The claims have been amended to define the invention with additional clarity and new claim 20 has been added. The claims as presented are fully supported by an enabling disclosure, including the claims as filed. Claims 2 and 5 have been cancelled without prejudice. That claims have been revised/cancelled should not be taken as an indication that Applicant agrees with any position expressed by the Examiner. Rather, the revisions have been made merely to advance prosecution and Applicant reserves the right to pursue any deleted subject matter in a continuation application.

Claims 1-9 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is believed to be in order in view of the above-noted

revision of claims 1, 3 and 7 in a manner that is believed to address the Examiner's concerns.

Reconsideration is requested.

Claims 1-9 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is believed to be in order in view of the above-noted revision of claims 1, 3 and 7 and further in view of the comments that follow.

It will be noted that the claims as now presented refer to K12 as defined by SEQ ID NO:1 and to a polypeptide 99% homologous thereto (see page 7, line 8 for support). The recited portions are required to retain binding affinity for CD7. The claims also read "consists of" rather than "comprising"

The genres as now defined are fully supported by an enabling disclosure. Given the guidance provided by the disclosure (note particularly pages 6 and 7), one skilled in the art could readily select polypeptides having the required binding affinity using standard techniques. No undue experimentation would be required. Accordingly, reconsideration is requested.

Claims 1-9 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is believed to be in order in view of the above-noted revision of claims 1, 3 and 7 and comments that follow.

The claims as now presented define K12 by reference to SEQ ID NO:1 and the recited portions are required to retain CD7 binding affinity. Further, the percent homology recited in claim 3 has been increased to 99%. Given the disclosure provided, particularly that at pages 6 and 7, it would be clear that Applicant had full possession of the subject matter for which protection is sought at the time the application was filed. Accordingly, reconsideration is requested.

Claims 1-9 stand rejected under 35 USC 102(e) as allegedly being anticipated by USP 6,762,030. Withdrawal of the rejection is in order for the reasons that follow.

The instant claims are drawn to a method of enhancing a vaccine-induced immune response in a mammal. The method comprises administering to a mammal receiving the vaccine a polypeptide that consists of a portion of K12 (SEQ ID NO:1) (or polypeptide that is at least 99% homologous thereto) that includes at least the extracellular domain, or a portion of that domain that retains CD7 binding affinity.

USP 6,762,030 describes methods of treating diseases mediated by CD7 and/or K12 using various agonists or antagonists. The citation, however, is not seen to disclose administering polypeptides recited in the instant claims to a mammal receiving a vaccine to enhance the immune response to that vaccine. The Examiner is urged to point out where such teachings are found or withdraw the rejection. Reconsideration is requested.

Claims 1 and 7-9 stand rejected under 35 USC 103 as allegedly being obvious over USP 6,767,030 in view of Kwang. Withdrawal of the rejection is believed to be in order for the reasons that follow.

The failings of the primary reference are noted above. Nothing in Kwang cures those failings. Accordingly, reconsideration is requested.

Claims 1-6 stand rejected under 35 USC 103 as allegedly being obvious over USP 6,762,030 in view of Singh et al. Withdrawal of the rejection is believed to be in order for the reasons that follow.

At the outset, it is noted that the Examiner acknowledges that USP 6,767,030 does not teach the claimed method of enhancing a vaccine-induced immune response. This

acknowledgement is completely consistent with Applicant's traversal of the above-discussed rejection under 35 USC 102(e).

The Examiner looks to Singh et al as providing a definition of adjuvant. The Examiner then looks to Applicant's own disclosure to link the definition of Singh et al to the teachings of the primary reference. Respectfully, motivation for making a combination must be found in the prior art. The fact that the Examiner relies on Applicant's own teachings indicates that the rejection is based on hindsight-based reasoning. As such reasoning is improper, reconsideration and withdrawal of the rejection are requested.

Claims 1 and 7-9 stand rejected under 35 USC 103 as allegedly being obvious over USP 6,762,030 in view of Singh et al and Kwang. Withdrawal of the rejection is submitted to be in order for the reasons that follow.

For reasons discussed above, it is only with hindsight that claim 1 (from which claims 7-9 depended) could be viewed as obvious over USP 6,762,030 in view of Singh et al. Nothing in Kwang alters this fact. Accordingly, withdrawal of the rejection is in order and same is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

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Respectfully submitted,

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